

# EXHIBIT K

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**From:** MacAneney, J. Robert <RMacAneney@carltonfields.com>  
**Sent:** Friday, February 19, 2021 11:18 AM  
**To:** Lavella, Justin  
**Cc:** Acker, Jaime; tal.stern@chubb.com  
**Subject:** RE: Arthrex / AIG Claim No. 4467406650US

Justin,

Your email does not specify precisely what Arthrex is seeking that the Insurers consent to. Based on our discussion yesterday, we presume that you are asking the Insurers to consent to an unspecified settlement offer by Arthrex to the government or agree to waive lack of consent as a coverage defense to any such offer. As you know, it is AIG's position that the subpoenas do not constitute a Claim under the Policy. Consequently, AIG cannot consent, withhold consent, or agree to waive lack of consent to any settlement offers that Arthrex may be contemplating. AIG continues to reserve all rights under the Policy, at law, and in equity.

Regards,  
Rob

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**J. Robert MacAneney**  
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**From:** Lavella, Justin <JLavella@blankrome.com>  
**Sent:** Thursday, February 18, 2021 4:06 PM  
**To:** MacAneney, J. Robert <RMacAneney@carltonfields.com>; jamie.acker@aig.com; tal.stern@chubb.com  
**Subject:** Arthrex / AIG Claim No. 4467406650US

Rob, Jamie, and Tal:

I hope this email finds each of you well. We appreciate you each taking the time to speak with Arthrex and its defense counsel this afternoon to discuss the pending insurance claim.

As we discussed this afternoon (and many times previously), Arthrex believes that the current dispute with the government is a result of multiple "Claims" (defined in the AIG D&O policy as, among other things, "a written demand for monetary, non-monetary or injunctive relief"), including, not but necessarily limited to, the two subpoenas issued by the government and the qui tam complaint that defense counsel believe is pending. We understand that AIG and Chubb dispute Arthrex's position, but have agreed to accept this matter as a "pre-claim inquiry."

As we discussed, the government has made an oral settlement offer to Arthrex to resolve this matter. In an effort to ensure that AIG and Chubb were permitted to "associate" in the proposed settlement discussions and in order to secure (to the extent necessary) AIG's and Chubb's "prior written consent" or waiver of lack of "prior written consent" as a coverage defense, Arthrex scheduled this afternoon's conference call.

During that conference call, both AIG and Chubb asked that Arthrex place its request for either "consent" (to the extent necessary) or a waiver of lack of "consent" as a coverage defense in writing, which Arthrex is doing through this email.

As we discussed, Arthrex's counsel believes it is important to respond to the government before the end of the week. As such, we ask that AIG and Chubb respond to the this written request by tomorrow morning.

In the meantime, if you have any questions or concerns, please let us know.

Regards,

**Justin F. Lavella | BLANKROME**

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